

AMENDED IN ASSEMBLY APRIL 22, 1998
AMENDED IN ASSEMBLY APRIL 2, 1998
AMENDED IN ASSEMBLY MARCH 23, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2169

Introduced by Assembly Member Kuehl

February 19, 1998

An act to amend ~~Section 3773~~ *Sections 3773 and 4014* of the Family Code, to amend Section 1088.5 of the Unemployment Insurance Code, and to amend Sections 11350.6, 11475.8, 11478.1, ~~and 11478.2~~ *of 11478.2, and 16576 of, to repeal Section 16576.5 of, and to repeal and add Section 16577 of,* the Welfare and Institutions Code, relating to spousal and child support.

LEGISLATIVE COUNSEL'S DIGEST

AB 2169, as amended, Kuehl. Human services.

(1) Existing law exempts a district attorney from a requirement to pay fees in any action or proceeding brought for the establishment of a child support obligation or the enforcement of a child or spousal support obligation, except that a district attorney may reimburse a county for those direct costs related to those actions or proceedings that have been agreed to pursuant to a plan of cooperation.

This bill would delete this exception.

(2) Existing unemployment insurance law requires each employer, effective July 1, 1998, to file with the Employment

Development Department specified information on new employees.

This bill would include a labor union hiring hall as an employer for purposes of this provision.

(3) Existing law sets forth a procedure for withholding issuance or renewal of, or suspending, a license of a person not in compliance with certain orders or judgments relating to child support. Existing law includes within those provisions a license used for recreational purposes.

This bill would include within those provisions a license used for sporting purposes, including hunting and sportfishing licenses.

(4) The bill would also revise provisions relating to the collection of certain performance-based data regarding child support, the release of information under a protective order regarding the whereabouts of parties involved in child and spousal support enforcement programs, the time period for notification to the recipient of the establishment or modification of a support order, and would make other clarifying and technical changes.

(5) Existing law provides procedures for the collection and distribution of child support owed or paid to custodial parents. Existing law requires the Judicial Council to develop forms to implement designated procedures related to judgments for paternity or child support orders, and to make those forms available no later than July 1, 1998.

This bill would, instead, require that the forms be developed so as not to delay implementation, and be available no later than 30 days prior to implementation, of the Statewide Child Support Registry.

(6) Existing law requires the development of an implementation plan for a Statewide Child Support Registry that includes the storage and data retrieval of various data elements for all California child support orders. Existing law requires the State Department of Social Services to contract with the Judicial Council to prepare and adopt, by January 31, 1998, a child support order and data form and an order of child support arrears form.

This bill would repeal these provisions and require, instead, that the Judicial Council develop, in the manner prescribed

by the bill, any forms that may be necessary to implement the Statewide Child Support Registry. The bill would make related changes. The bill would also require that the information transmitted from the clerks of the court to the Statewide Child Support Registry include any information required by federal law and any other information the department and the Judicial Council find appropriate thereby imposing a state-mandated local program by increasing the duties of court clerks.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3773 of the Family Code is
2 amended to read:

3 3773. (a) This section applies only to Title IV-D cases
4 where support enforcement services are being provided
5 by the district attorney pursuant to Section 11475.1 of the
6 Welfare and Institutions Code.

7 (b) After the court has ordered that a parent provide
8 health insurance coverage, the district attorney may
9 serve on the employer a notice of health insurance
10 coverage assignment in lieu of the health insurance
11 coverage assignment order. The notice of health
12 insurance coverage assignment may be combined with
13 the notice of earnings assignment that is authorized by
14 Section 5246.



(c) A notice of health insurance coverage assignment shall have the same force and effect as a health insurance coverage assignment order.

(d) The obligor shall have the same right to move to quash or terminate a notice of health insurance coverage assignment as provided in this article for a health insurance coverage assignment order.

(e) The notice of health insurance assignment form shall contain the same information as the forms adopted by Judicial Council pursuant to Section 3772.

SEC. 2. *Section 4014 of the Family Code is amended to read:*

4014. (a) Any order for child support issued or modified pursuant to this chapter shall include a provision requiring the obligor and child support obligee to notify the other parent or, if the order requires payment through an agency designated under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651, et seq.), the agency named in the order, of the name and address of his or her current employer.

(b) To the extent required by federal law, and subject to applicable confidentiality provisions of state or federal law, any judgment for paternity and any order for child support entered or modified pursuant to any provision of law shall include a provision requiring the child support obligor and obligee to file with the court all of the following information:

(1) Residential and mailing address.

(2) Social security number.

(3) Telephone number.

(4) Driver's license number.

(5) Name, address, and telephone number of the employer.

(6) Any other information prescribed by the Judicial Council.

The judgment or order shall specify that each parent is responsible for providing his or her own information, that the information must be filed with the court within 10 days of the court order, and that new or different information must be filed with the court within 10 days

1 after any event causing a change in the previously
2 provided information.

3 (c) Once the child support registry, as described in
4 Section 16576 of the Welfare and Institutions Code is
5 operational, any judgment for paternity and any order for
6 child support entered or modified pursuant to any
7 provision of law shall include a provision requiring the
8 child support obligor and obligee to file and keep updated
9 the information specified in subdivision (b) with the child
10 support registry.

11 (d) The Judicial Council shall develop forms to
12 implement this section. ~~—These The forms shall be~~
13 ~~available no later than July 1, 1998 developed so as not to~~
14 ~~delay the implementation of the Statewide Child Support~~
15 ~~Registry described in Section 16576 of the Welfare and~~
16 ~~Institutions Code and shall be available no later than 30~~
17 ~~days prior to the implementation of the Statewide Child~~
18 ~~Support Registry.~~

19 SEC. 3. Section 1088.5 of the Unemployment
20 Insurance Code is amended to read:

21 1088.5. (a) In addition to information reported in
22 accordance with Section 1088, effective July 1, 1998, each
23 employer shall file, with the department, the information
24 provided for in subdivision (b) on new employees.

25 (b) Each employer shall report the hiring of any
26 employee who works in this state and to whom the
27 employer anticipates paying wages.

28 (c) (1) This section shall not apply to any department,
29 agency, or instrumentality of the United States.

30 (2) State agency employers shall not be required to
31 report employees performing intelligence or
32 counterintelligence functions, if the head of the agency
33 has determined that reporting pursuant to this section
34 would endanger the safety of the employee or
35 compromise an ongoing investigation or intelligence
36 mission.

37 (d) (1) Employers shall submit a report as described
38 in paragraph (4) within 20 days of hiring any employee
39 whom the employer is required to report pursuant to this
40 section.

(2) Notwithstanding subdivision (a), employers transmitting reports magnetically or electronically shall submit the report by two monthly transmissions not less than 12 days no more than 16 days apart.

(3) For purposes of this section, an employer that has employees in two or more states and that transmits reports magnetically or electronically may designate one state in which the employer has employees to which the employer will transmit the report described in paragraph

(4). Any employer that transmits reports pursuant to this paragraph shall notify the Secretary of Health and Human Services in writing as to which state the employer designates for the purpose of sending reports.

(4) The report shall contain the following:

(A) The name, address, and social security number of the employees.

(B) The employer's name, address, state employer identification number (if one has been issued), and identifying number assigned to the employer under Section 6109 of the Internal Revenue Code of 1986.

(C) The first date the employee worked.

(5) Employers may report pursuant to this section by submitting a copy of the employee's W-4 form, a form provided by the department, or any other hiring document transmitted by first-class mail, magnetically, or electronically.

(e) For each failure to report the hiring of an employee, as required and within the time required by this section, unless the failure is due to good cause, the department may assess a penalty of twenty-four dollars (\$24), or four hundred ninety dollars (\$490) if the failure is the result of conspiracy between the employer and employee not to supply the required report or to supply a false or incomplete report.

(f) Information collected pursuant to this section may be used for the following purposes:

(1) Administration of this code.

(2) Locating individuals for purposes of establishing paternity and establishing, modifying, and enforcing child support obligations.

(3) Administration of employment security and workers' compensation programs.

(4) Providing employer or employee information to the Franchise Tax Board for the purpose of tax enforcement.

(5) Verification of eligibility of applicants for, or recipients of, the public assistance programs listed in Section 1320b-7(b) of Title 42 of the United States Code.

(g) For purposes of this section, "employer" includes a labor union hiring hall.

(h) This section shall become operative on July 1, 1998.

~~SEC. 3.—~~

SEC. 4. Section 11350.6 of the Welfare and Institutions Code is amended to read:

11350.6. (a) As used in this section:

(1) "Applicant" means any person applying for issuance or renewal of a license.

(2) "Board" means any entity specified in Section 101 of the Business and Professions Code, the entities referred to in Sections 1000 and 3600 of the Business and Professions Code, the State Bar, the Department of Real Estate, the Department of Motor Vehicles, the Secretary of State, the Department of Fish and Game, and any other state commission, department, committee, examiner, or agency that issues a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession, or to the extent required by federal law or regulations, for recreational purposes. This term includes all boards, commissions, departments, committees, examiners, entities, and agencies that issue a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession. The failure to specifically name a particular board, commission, department, committee, examiner, entity, or agency that issues a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession does not exclude that board, commission, department, committee, examiner, entity, or agency from this term.

(3) “Certified list” means a list provided by the district attorney to the State Department of Social Services in which the district attorney verifies, under penalty of perjury, that the names contained therein are support obligors found to be out of compliance with a judgment or order for support in a case being enforced under Title IV-D of the Social Security Act.

(4) “Compliance with a judgment or order for support” means that, as set forth in a judgment or order for child or family support, the obligor is no more than 30 calendar days in arrears in making payments in full for current support, in making periodic payments in full, whether court ordered or by agreement with the district attorney, on a support arrearage, or in making periodic payments in full, whether court ordered or by agreement with the district attorney, on a judgment for reimbursement for public assistance, or has obtained a judicial finding that equitable estoppel as provided in statute or case law precludes enforcement of the order. The district attorney is authorized to use this section to enforce orders for spousal support only when the district attorney is also enforcing a related child support obligation owed to the obligee parent by the same obligor, pursuant to Sections 11475.1 and 11475.2.

(5) “License” includes membership in the State Bar, and a certificate, credential, permit, registration, or any other authorization issued by a board that allows a person to engage in a business, occupation, or profession, or to operate a commercial motor vehicle, including appointment and commission by the Secretary of State as a notary public. “License” also includes any driver’s license issued by the Department of Motor Vehicles, any commercial fishing license issued by the Department of Fish and Game, and to the extent required by federal law or regulations, any license used for recreational or sporting purposes, including any license issued by the Department of Fish and Game pursuant to Chapter 1 (commencing with Section 3000) of Part 1 of Division 4, or Chapter 1 (commencing with Section 7100) of Part 2 of Division 6, of the Fish and Game Code. This term

1 includes all licenses, certificates, credentials, permits,
2 registrations, or any other authorization issued by a board
3 that allows a person to engage in a business, occupation,
4 or profession. The failure to specifically name a particular
5 type of license, certificate, credential, permit,
6 registration, or other authorization issued by a board that
7 allows a person to engage in a business, occupation, or
8 profession, does not exclude that license, certificate,
9 credential, permit, registration, or other authorization
10 from this term.

11 (6) "Licensee" means any person holding a license,
12 certificate, credential, permit, registration, or other
13 authorization issued by a board, to engage in a business,
14 occupation, or profession, or a commercial driver's
15 license as defined in Section 15210 of the Vehicle Code,
16 including an appointment and commission by the
17 Secretary of State as a notary public. "Licensee" also
18 means any person holding a driver's license issued by the
19 Department of Motor Vehicles, any person holding a
20 commercial fishing license issued by the Department of
21 Fish and Game, and to the extent required by federal law
22 or regulations, any person holding a license used for
23 recreational or sporting purposes, including any license
24 issued by the Department of Fish and Game pursuant to
25 Chapter 1 (commencing with Section 3000) of Part 1 of
26 Division 4, or Chapter 1 (commencing with Section 7100)
27 of Part 2 of Division 6, of the Fish and Game Code. This
28 term includes all persons holding a license, certificate,
29 credential, permit, registration, or any other
30 authorization to engage in a business, occupation, or
31 profession, and the failure to specifically name a
32 particular type of license, certificate, credential, permit,
33 registration, or other authorization issued by a board does
34 not exclude that person from this term.

35 (b) The district attorney shall maintain a list of those
36 persons included in a case being enforced under Title
37 IV-D of the Social Security Act against whom a support
38 order or judgment has been rendered by, or registered in,
39 a court of this state, and who are not in compliance with
40 that order or judgment. The district attorney shall submit

1 a certified list with the names, social security numbers,
2 and last known addresses of these persons and the name,
3 address, and telephone number of the district attorney
4 who certified the list to the State Department of Social
5 Services. The district attorney shall verify, under penalty
6 of perjury, that the persons listed are subject to an order
7 or judgment for the payment of support and that these
8 persons are not in compliance with the order or
9 judgment. The district attorney shall submit to the State
10 Department of Social Services an updated certified list on
11 a monthly basis.

12 (c) The State Department of Social Services shall
13 consolidate the certified lists received from the district
14 attorneys and, within 30 calendar days of receipt, shall
15 provide a copy of the consolidated list to each board
16 which is responsible for the regulation of licenses, as
17 specified in this section.

18 (d) On or before November 1, 1992, or as soon
19 thereafter as economically feasible, as determined by the
20 State Department of Social Services, all boards subject to
21 this section shall implement procedures to accept and
22 process the list provided by the State Department of
23 Social Services, in accordance with this section.
24 Notwithstanding any other provision of law, all boards
25 shall collect social security numbers from all applicants
26 for the purposes of matching the names of the certified
27 list provided by the State Department of Social Services
28 to applicants and licensees and of responding to requests
29 for this information made by child support agencies.

30 (e) (1) Promptly after receiving the certified
31 consolidated list from the State Department of Social
32 Services, and prior to the issuance or renewal of a license,
33 each board shall determine whether the applicant is on
34 the most recent certified consolidated list provided by the
35 State Department of Social Services. The board shall have
36 the authority to withhold issuance or renewal of the
37 license of any applicant on the list.

38 (2) If an applicant is on the list, the board shall
39 immediately serve notice as specified in subdivision (f)
40 on the applicant of the board's intent to withhold issuance

1 or renewal of the license. The notice shall be made
2 personally or by mail to the applicant's last known mailing
3 address on file with the board. Service by mail shall be
4 complete in accordance with Section 1013 of the Code of
5 Civil Procedure.

6 (A) The board shall issue a temporary license valid for
7 a period of 150 days to any applicant whose name is on the
8 certified list if the applicant is otherwise eligible for a
9 license.

10 (B) Except as provided in subparagraph (D), the
11 150-day time period for a temporary license shall not be
12 extended. Except as provided in subparagraph (D), only
13 one temporary license shall be issued during a regular
14 license term and it shall coincide with the first 150 days
15 of that license term. As this paragraph applies to
16 commercial driver's licenses, "license term" shall be
17 deemed to be 12 months from the date the application fee
18 is received by the Department of Motor Vehicles. A
19 license for the full or remainder of the license term shall
20 be issued or renewed only upon compliance with this
21 section.

22 (C) In the event that a license or application for a
23 license or the renewal of a license is denied pursuant to
24 this section, any funds paid by the applicant or licensee
25 shall not be refunded by the board.

26 (D) This paragraph shall apply only in the case of a
27 driver's license, other than a commercial driver's license.
28 Upon the request of the district attorney or by order of
29 the court upon a showing of good cause, the board shall
30 extend a 150-day temporary license for a period not to
31 exceed 150 extra days.

32 (3) (A) The State Department of Social Services may,
33 when it is economically feasible for the department and
34 the boards to do so as determined by the department, in
35 cases where the department is aware that certain child
36 support obligors listed on the certified lists have been out
37 of compliance with a judgment or order for support for
38 more than four months, provide a supplemental list of
39 these obligors to each board with which the department
40 has an interagency agreement to implement this

1 paragraph. Upon request by the department, the licenses
2 of these obligors shall be subject to suspension, provided
3 that the licenses would not otherwise be eligible for
4 renewal within six months from the date of the request by
5 the department. The board shall have the authority to
6 suspend the license of any licensee on this supplemental
7 list.

8 (B) If a licensee is on a supplemental list, the board
9 shall immediately serve notice as specified in subdivision
10 (f) on the licensee that his or her license will be
11 automatically suspended 150 days after notice is served,
12 unless compliance with this section is achieved. The
13 notice shall be made personally or by mail to the licensee's
14 last known mailing address on file with the board. Service
15 by mail shall be complete in accordance with Section 1013
16 of the Code of Civil Procedure.

17 (C) The 150-day notice period shall not be extended.

18 (D) In the event that any license is suspended
19 pursuant to this section, any funds paid by the licensee
20 shall not be refunded by the board.

21 (E) This paragraph shall not apply to licenses subject
22 to annual renewal or annual fee.

23 (f) Notices shall be developed by each board in
24 accordance with guidelines provided by the State
25 Department of Social Services and subject to approval by
26 the State Department of Social Services. The notice shall
27 include the address and telephone number of the district
28 attorney who submitted the name on the certified list,
29 and shall emphasize the necessity of obtaining a release
30 from that district attorney's office as a condition for the
31 issuance, renewal, or continued valid status of a license or
32 licenses.

33 (1) In the case of applicants not subject to paragraph
34 (3) of subdivision (e), the notice shall inform the
35 applicant that the board shall issue a temporary license,
36 as provided in subparagraph (A) of paragraph (2) of
37 subdivision (e), for 150 calendar days if the applicant is
38 otherwise eligible and that upon expiration of that time
39 period the license will be denied unless the board has



1 received a release from the district attorney who
2 submitted the name on the certified list.

3 (2) In the case of licensees named on a supplemental
4 list, the notice shall inform the licensee that his or her
5 license will continue in its existing status for no more than
6 150 calendar days from the date of mailing or service of
7 the notice and thereafter will be suspended indefinitely
8 unless, during the 150-day notice period, the board has
9 received a release from the district attorney who
10 submitted the name on the certified list. Additionally, the
11 notice shall inform the licensee that any license
12 suspended under this section will remain so until the
13 expiration of the remaining license term, unless the board
14 receives a release along with applications and fees, if
15 applicable, to reinstate the license during the license
16 term.

17 (3) The notice shall also inform the applicant or
18 licensee that if an application is denied or a license is
19 suspended pursuant to this section, any funds paid by the
20 applicant or licensee shall not be refunded by the board.
21 The State Department of Social Services shall also
22 develop a form that the applicant shall use to request a
23 review by the district attorney. A copy of this form shall
24 be included with every notice sent pursuant to this
25 subdivision.

26 (g) (1) Each district attorney shall maintain review
27 procedures consistent with this section to allow an
28 applicant to have the underlying arrearage and any
29 relevant defenses investigated, to provide an applicant
30 information on the process of obtaining a modification of
31 a support order, or to provide an applicant assistance in
32 the establishment of a payment schedule on arrearages if
33 the circumstances so warrant.

34 (2) It is the intent of the Legislature that a court or
35 district attorney, when determining an appropriate
36 payment schedule for arrearages, base its decision on the
37 facts of the particular case and the priority of payment of
38 child support over other debts. The payment schedule
39 shall also recognize that certain expenses may be essential
40 to enable an obligor to be employed. Therefore, in

1 reaching its decision, the court or the district attorney
2 shall consider both of these goals in setting a payment
3 schedule for arrearages.

4 (h) If the applicant wishes to challenge the submission
5 of his or her name on the certified list, the applicant shall
6 make a timely written request for review on the form
7 specified in subdivision (f) to the district attorney who
8 certified the applicant's name. The district attorney shall,
9 within 75 days of receipt of the written request, inform
10 the applicant in writing of his or her findings upon
11 completion of the review. The district attorney shall
12 immediately send a release to the appropriate board and
13 the applicant, if any of the following conditions are met:

14 (1) The applicant is found to be in compliance or
15 negotiates an agreement with the district attorney for a
16 payment schedule on arrearages or reimbursement.

17 (2) The applicant has submitted a request for review,
18 but the district attorney will be unable to complete the
19 review and send notice of his or her findings to the
20 applicant within 75 days. This paragraph applies only if
21 the delay in completing the review process is not the
22 result of the applicant's failure to act in a reasonable,
23 timely, and diligent manner upon receiving notice from
24 the board that his or her name is on the list.

25 (3) The applicant has filed and served a request for
26 judicial review pursuant to this section, but a resolution
27 of that review will not be made within 150 days of the date
28 of service of notice pursuant to subdivision (f). This
29 paragraph applies only if the delay in completing the
30 judicial review process is not the result of the applicant's
31 failure to act in a reasonable, timely, and diligent manner
32 upon receiving the district attorney's notice of his or her
33 findings.

34 (4) The applicant has obtained a judicial finding of
35 compliance as defined in this section.

36 (i) An applicant is required to act with diligence in
37 responding to notices from the board and the district
38 attorney with the recognition that the temporary license
39 will lapse or the license suspension will go into effect after
40 150 days and that the district attorney and, where

1 appropriate, the court must have time to act within that
2 period. An applicant's delay in acting, without good
3 cause, which directly results in the inability of the district
4 attorney to complete a review of the applicant's request
5 or the court to hear the request for judicial review within
6 the 150-day period shall not constitute the diligence
7 required under this section which would justify the
8 issuance of a release.

9 (j) Except as otherwise provided in this section, the
10 district attorney shall not issue a release if the applicant
11 is not in compliance with the judgment or order for
12 support. The district attorney shall notify the applicant in
13 writing that the applicant may, by filing an order to show
14 cause or notice of motion, request any or all of the
15 following:

16 (1) Judicial review of the district attorney's decision
17 not to issue a release.

18 (2) A judicial determination of compliance.

19 (3) A modification of the support judgment or order.

20 The notice shall also contain the name and address of
21 the court in which the applicant shall file the order to
22 show cause or notice of motion and inform the applicant
23 that his or her name shall remain on the certified list if the
24 applicant does not timely request judicial review. The
25 applicant shall comply with all statutes and rules of court
26 regarding orders to show cause and notices of motion.

27 Nothing in this section shall be deemed to limit an
28 applicant from filing an order to show cause or notice of
29 motion to modify a support judgment or order or to fix a
30 payment schedule on arrearages accruing under a
31 support judgment or order or to obtain a court finding of
32 compliance with a judgment or order for support.

33 (k) The request for judicial review of the district
34 attorney's decision shall state the grounds for which
35 review is requested and judicial review shall be limited to
36 those stated grounds. The court shall hold an evidentiary
37 hearing within 20 calendar days of the filing of the request
38 for review. Judicial review of the district attorney's
39 decision shall be limited to a determination of each of the
40 following issues:

1 (1) Whether there is a support judgment, order, or
2 payment schedule on arrearages or reimbursement.

3 (2) Whether the petitioner is the obligor covered by
4 the support judgment or order.

5 (3) Whether the support obligor is or is not in
6 compliance with the judgment or order of support.

7 (4) The extent to which the needs of the obligor,
8 taking into account the obligor's payment history and the
9 current circumstances of both the obligor and the
10 obligee, warrant a conditional release as described in this
11 subdivision.

12 The request for judicial review shall be served by the
13 applicant upon the district attorney who submitted the
14 applicant's name on the certified list within seven
15 calendar days of the filing of the petition. The court has
16 the authority to uphold the action, unconditionally
17 release the license, or conditionally release the license.

18 If the judicial review results in a finding by the court
19 that the obligor is in compliance with the judgment or
20 order for support, the district attorney shall immediately
21 send a release in accordance with subdivision (h) to the
22 appropriate board and the applicant. If the judicial
23 review results in a finding by the court that the needs of
24 the obligor warrant a conditional release, the court shall
25 make findings of fact stating the basis for the release and
26 the payment necessary to satisfy the unrestricted
27 issuance or renewal of the license without prejudice to a
28 later judicial determination of the amount of support
29 arrearages, including interest, and shall specify payment
30 terms, compliance with which are necessary to allow the
31 release to remain in effect.

32 (l) The State Department of Social Services shall
33 prescribe release forms for use by district attorneys.
34 When the obligor is in compliance, the district attorney
35 shall mail to the applicant and the appropriate board a
36 release stating that the applicant is in compliance. The
37 receipt of a release shall serve to notify the applicant and
38 the board that, for the purposes of this section, the
39 applicant is in compliance with the judgment or order for
40 support.

1 If the district attorney determines subsequent to the
2 issuance of a release that the applicant is once again not
3 in compliance with a judgment or order for support, or
4 with the terms of repayment as described in this
5 subdivision, the district attorney may notify the board,
6 the obligor, and the State Department of Social Services
7 in a format prescribed by the State Department of Social
8 Services that the obligor is not in compliance.

9 The State Department of Social Services may, when it
10 is economically feasible for the department and the
11 boards to develop an automated process for complying
12 with this subdivision, notify the boards in a manner
13 prescribed by the department, that the obligor is once
14 again not in compliance. Upon receipt of this notice, the
15 board shall immediately notify the obligor on a form
16 prescribed by the department that the obligor's license
17 will be suspended on a specific date, and this date shall be
18 no longer than 30 days from the date the form is mailed.
19 The obligor shall be further notified that the license will
20 remain suspended until a new release is issued in
21 accordance with subdivision (h). Nothing in this section
22 shall be deemed to limit the obligor from seeking judicial
23 review of suspension pursuant to the procedures
24 described in subdivision (k).

25 (m) The State Department of Social Services may
26 enter into interagency agreements with the state
27 agencies that have responsibility for the administration of
28 boards necessary to implement this section, to the extent
29 that it is cost-effective to implement this section. These
30 agreements shall provide for the receipt by the other
31 state agencies and boards of federal funds to cover that
32 portion of costs allowable in federal law and regulation
33 and incurred by the state agencies and boards in
34 implementing this section. Notwithstanding any other
35 provision of law, revenue generated by a board or state
36 agency shall be used to fund the nonfederal share of costs
37 incurred pursuant to this section. These agreements shall
38 provide that boards shall reimburse the State
39 Department of Social Services for the nonfederal share of
40 costs incurred by the department in implementing this

1 section. The boards shall reimburse the State
2 Department of Social Services for the nonfederal share of
3 costs incurred pursuant to this section from moneys
4 collected from applicants and licensees.

5 (n) Notwithstanding any other provision of law, in
6 order for the boards subject to this section to be
7 reimbursed for the costs incurred in administering its
8 provisions, the boards may, with the approval of the
9 appropriate department director, levy on all licensees
10 and applicants a surcharge on any fee or fees collected
11 pursuant to law, or, alternatively, with the approval of the
12 appropriate department director, levy on the applicants
13 or licensees named on a certified list or supplemental list,
14 a special fee.

15 (o) The process described in subdivision (h) shall
16 constitute the sole administrative remedy for contesting
17 the issuance of a temporary license or the denial or
18 suspension of a license under this section. The procedures
19 specified in the administrative adjudication provisions of
20 the Administrative Procedure Act (Chapter 4.5
21 (commencing with Section 11400) and Chapter 5
22 (commencing with Section 11500) of Part 1 of Division 3
23 of Title 2 of the Government Code) shall not apply to the
24 denial, suspension, or failure to issue or renew a license or
25 the issuance of a temporary license pursuant to this
26 section.

27 (p) In furtherance of the public policy of increasing
28 child support enforcement and collections, on or before
29 November 1, 1995, the State Department of Social
30 Services shall make a report to the Legislature and the
31 Governor based on data collected by the boards and the
32 district attorneys in a format prescribed by the State
33 Department of Social Services. The report shall contain
34 all of the following:

35 (1) The number of delinquent obligors certified by
36 district attorneys under this section.

37 (2) The number of support obligors who also were
38 applicants or licensees subject to this section.

39 (3) The number of new licenses and renewals that
40 were delayed, temporary licenses issued, and licenses

1 suspended subject to this section and the number of new
2 licenses and renewals granted and licenses reinstated
3 following board receipt of releases as provided by
4 subdivision (h) by May 1, 1995.

5 (4) The costs incurred in the implementation and
6 enforcement of this section.

7 (q) Any board receiving an inquiry as to the licensed
8 status of an applicant or licensee who has had a license
9 denied or suspended under this section or has been
10 granted a temporary license under this section shall
11 respond only that the license was denied or suspended or
12 the temporary license was issued pursuant to this section.
13 Information collected pursuant to this section by any
14 state agency, board, or department shall be subject to the
15 Information Practices Act of 1977 (Chapter 1
16 (commencing with Section 1798) of Title 1.8 of Part 4 of
17 Division 3 of the Civil Code).

18 (r) Any rules and regulations issued pursuant to this
19 section by any state agency, board, or department may be
20 adopted as emergency regulations in accordance with the
21 rulemaking provisions of the Administrative Procedure
22 Act (Chapter 3.5 (commencing with Section 11340) of
23 Part 1 of Division 3 of Title 2 of the Government Code).
24 The adoption of these regulations shall be deemed an
25 emergency and necessary for the immediate
26 preservation of the public peace, health, and safety, or
27 general welfare. The regulations shall become effective
28 immediately upon filing with the Secretary of State.

29 (s) The State Department of Social Services and
30 boards, as appropriate, shall adopt regulations necessary
31 to implement this section.

32 (t) The Judicial Council shall develop the forms
33 necessary to implement this section, except as provided
34 in subdivisions (f) and (l).

35 (u) The release or other use of information received
36 by a board pursuant to this section, except as authorized
37 by this section, is punishable as a misdemeanor.

38 (v) The State Board of Equalization shall enter into
39 interagency agreements with the State Department of
40 Social Services and the Franchise Tax Board that will

1 require the State Department of Social Services and the
2 Franchise Tax Board to maximize the use of information
3 collected by the State Board of Equalization, for child
4 support enforcement purposes, to the extent it is
5 cost-effective and permitted by the Revenue and
6 Taxation Code.

7 (w) The suspension or revocation of any driver's
8 license, including a commercial driver's license, under
9 this section shall not subject the licensee to vehicle
10 impoundment pursuant to Section 14602.6 of the Vehicle
11 Code.

12 (x) If any provision of this section or the application
13 thereof to any person or circumstance is held invalid, that
14 invalidity shall not affect other provisions or applications
15 of this section which can be given effect without the
16 invalid provision or application, and to this end the
17 provisions of this section are severable.

18 (y) All rights to administrative and judicial review
19 afforded by this section to an applicant shall also be
20 afforded to a licensee.

21 ~~SEC. 4.—~~

22 *SEC. 5.* Section 11475.8 of the Welfare and Institutions
23 Code is amended to read:

24 11475.8. (a) The Legislature finds and declares all of
25 the following:

26 (1) The Legislative Analyst has found that county
27 child support enforcement programs provide a net
28 increase in revenues to the state.

29 (2) The state has a fiscal interest in ensuring that
30 county child support enforcement programs perform
31 efficiently.

32 (3) The state does not provide information to counties
33 on child support enforcement programs, based on
34 common denominators that would facilitate comparison
35 of program performance.

36 (4) Providing this information would allow county
37 officials to monitor program performance and to make
38 appropriate modifications to improve program
39 efficiency.



1 (5) This information is required for effective
2 management of the child support program.

3 (b) (1) Except as provided in paragraph (2),
4 commencing with the 1998–99 fiscal year, and for each
5 fiscal year thereafter, each county that is participating in
6 the state incentive program described in Section 15200.81
7 shall provide to the department, and the department
8 shall compile from this county child support information,
9 quarterly and annually, all of the following
10 performance-based data, as established by the federal
11 incentive funding system, provided that the department
12 may revise the data required by this paragraph in order
13 to conform to the final federal incentive system data
14 definitions:

15 (A) One of the following data relating to paternity
16 establishment, as required by the department, provided
17 that the department shall require all counties to report on
18 the same measurement:

19 (i) The total number of children in the caseload
20 governed by Subtitle D (commencing with Section 450)
21 of Title IV of the federal Social Security Act (42 U.S.C.
22 Sec. 650 et seq.), as of the end of the federal fiscal year,
23 who were born to unmarried parents for whom paternity
24 was established or acknowledged, and the total number
25 of children in that caseload, as of the end of the preceding
26 federal fiscal year, who were born to unmarried parents.

27 (ii) The total number of minor children who were
28 born in the state to unmarried parents for whom
29 paternity was established or acknowledged during a
30 federal fiscal year, and the total number of children in the
31 state born to unmarried parents during the preceding
32 federal fiscal year.

33 (B) The number of cases governed by Subtitle D
34 (commencing with Section 450) of Title IV of the federal
35 Social Security Act (42 U.S.C. Sec. 650 et seq.) during the
36 federal fiscal year and the total number of those cases
37 with support orders.

38 (C) The total dollars collected during the federal fiscal
39 year for current support in cases governed by Subtitle D
40 (commencing with Section 450) of Title IV of the federal

1 Social Security Act (42 U.S.C. Sec. 650 et seq.) and the
2 total number of dollars owing for current support during
3 that federal fiscal year in cases governed by those
4 provisions.

5 (D) The total number of cases for the federal fiscal
6 year governed by Subtitle D (commencing with Section
7 450) of Title IV of the federal Social Security Act (42
8 U.S.C. Sec. 650 et seq.) in which payment was being made
9 toward child support arrearages and the total number of
10 cases for that fiscal year governed by these federal
11 provisions that had child support arrearages.

12 (E) The total number of dollars collected and
13 expended during a federal fiscal year in cases governed
14 by Subtitle D (commencing with Section 450) of Title IV
15 of the federal Social Security Act (42 U.S.C. Sec. 650 et
16 seq.).

17 (F) The total amount of child support dollars collected
18 during a federal fiscal year, and, if and when required by
19 federal law, the amount of these collections broken down
20 by collections distributed on behalf of current recipients
21 of federal Temporary Assistance for Needy Families
22 block grant funds or federal foster care funds, on behalf
23 of former recipients of federal Temporary Assistance for
24 Needy Families block grant funds or federal foster care
25 funds, or on behalf of persons who have never been
26 recipients of these federal funds.

27 (2) A county may apply for an exemption from any or
28 all of the reporting requirements of paragraph (1) for the
29 1998–99 state fiscal year or any quarter of that fiscal year,
30 as well as for the first quarter of the 1999–2000 fiscal year,
31 by submitting an application for the exemption to the
32 department at least three months prior to the
33 commencement of the fiscal year or quarter for which the
34 exemption is sought. A county shall provide a separate
35 justification for each data element under paragraph (1)
36 for which the county is seeking an exemption and the cost
37 to the county of providing the data. The department may
38 not grant an exemption for more than one year. The
39 department may grant a single exemption only if both of
40 the following conditions are met:



1 (A) The county cannot compile the data being sought
2 through its existing automated system or systems.

3 (B) The county cannot compile the data being sought
4 through manual means or through an enhanced
5 automated system or systems without significantly
6 harming the child support collection efforts of the county.

7 (c) Except as provided in paragraph (6), before
8 implementation of the state child support computers, the
9 statewide automated system, and the Los Angeles
10 Automated Child Support Enforcement Replacement
11 System (ARS), in addition to the information required by
12 subdivision (b), the department shall collect, on a
13 monthly basis, from each county that is participating in
14 the state incentive program described in Section
15 15200.81, information on the county child support
16 enforcement program beginning with the 1998–99 fiscal
17 year, and for each subsequent fiscal year, and shall report
18 quarterly and annually on all of the following
19 measurements:

20 (1) For each of the following support collection
21 categories, the number of cases with support collected
22 shall include only the number of cases actually receiving
23 a collection, not the number of payments received. For
24 purposes of determining the number of cases with an
25 order of current support and the number of cases in
26 which current support is being collected, cases with a
27 medical support order that do not have an order for
28 current support shall not be counted.

29 (A) The number of cases with an order for current
30 support.

31 (B) The number of cases with collections of current
32 support.

33 (C) The number of cases with an order for arrears.

34 (D) The number of cases with arrears collections.

35 (2) The number of alleged fathers or obligors who
36 were served with a summons and complaint to establish
37 paternity or a support order. In order to be counted
38 under this paragraph, the alleged father or obligor shall
39 be successfully served with process. An alleged father
40 shall be counted under this paragraph only once if he is

1 served with process simultaneously for both a paternity
2 and a support order proceeding for the same child or
3 children. For purposes of this paragraph, a support order
4 shall include a medical support order.

5 (3) The number of children requiring paternity
6 establishment and the number of children for whom
7 paternity has been established during the period.
8 Paternity may only be established once for each child.
9 Any child for whom paternity is not at issue shall not be
10 counted in the number of children for whom paternity
11 has been established. For this purpose, paternity is not at
12 issue if the parents were married and neither parent
13 challenges paternity or a voluntary paternity declaration
14 has been executed by the parents prior to the county
15 child support enforcement program obtaining the case
16 and neither parent challenges paternity.

17 (4) The number of cases requiring that a support order
18 be established and the number of cases that had a support
19 order established during the period. A support order shall
20 be counted as established only when the appropriate
21 court has issued an order for child support, including an
22 order for temporary child support, or an order for
23 medical support.

24 (5) The total cost of administering the county child
25 support enforcement program, including the federal,
26 state, and county share of the costs, and the federal and
27 state incentives received by each county. The total cost
28 of administering the program shall be broken down by
29 the following:

30 (A) The direct costs of the program, broken down
31 further by total employee salaries and benefits, a list of
32 the number of employees broken down into at least the
33 following categories: attorneys, administrators,
34 caseworkers, investigators, and clerical support;
35 contractor costs; space charges; and payments to other
36 county agencies. Employee salaries and numbers need
37 only be reported in the annual report.

38 (B) The indirect costs, showing all overhead charges.

39 (6) A county may apply for an exemption from any or
40 all of the reporting requirements of this subdivision for a

1 fiscal year by submitting an application for the exemption
2 to the department at least three months prior to the
3 commencement of the fiscal year or quarter for which the
4 exemption is sought. A county shall provide a separate
5 justification for each data element under this subdivision
6 for which the county is seeking an exemption and the cost
7 to the county of providing the data. The department may
8 not grant an exemption for more than one year. The
9 department may grant a single exemption only if both of
10 the following conditions are met:

11 (A) The county cannot compile the data being sought
12 through its existing automated system or systems.

13 (B) The county cannot compile the data being sought
14 through manual means or through an enhanced
15 automated system or systems without significantly
16 harming the child support collection efforts of the county.

17 (d) After implementation of the statewide automated
18 system, and ARS, in addition to the information required
19 by subdivision (b), the department shall collect, on a
20 monthly basis, from each county that is participating in
21 the state incentive program described in Section
22 15200.81, information on the county child support
23 enforcement program beginning with the 1998–99 fiscal
24 year or a later fiscal year, as appropriate, and for each
25 subsequent fiscal year, and shall report quarterly and
26 annually on all of the following measurements:

27 (1) For each of the following support collection
28 categories, the number of cases with support collected
29 shall include only the number of cases actually receiving
30 a collection, not the number of payments received.

31 (A) (i) The number of cases with collections for
32 current support.

33 (ii) The number of cases with arrears collections only.

34 (iii) The number of cases with both current support
35 and arrears collections.

36 (B) For cases with current support only due.

37 (i) The number of cases in which the full amount of
38 current support owed was collected.

1 (ii) The number of cases in which some amount of
2 current support, but less than the full amount of support
3 owed, was collected.

4 (iii) The number of cases in which no amount of
5 support owed was collected.

6 (C) For cases in which arrears only were owed:

7 (i) The number of cases in which all arrears owed were
8 collected.

9 (ii) The number of cases in which some amount of
10 arrears, but less than the full amount of arrears owed,
11 were collected.

12 (iii) The number of cases in which no amount of
13 arrears owed were collected.

14 (D) For cases in which both current support and
15 arrears are owed:

16 (i) The number of cases in which the full amount of
17 current support and arrears owed were collected.

18 (ii) The number of cases in which some amount of
19 current support and arrears, but less than the full amount
20 of support owed, were collected.

21 (iii) The number of cases in which no amount of
22 support owed was collected.

23 (E) The total number of cases in which an amount was
24 due for current support only.

25 (F) The total number of cases in which an amount was
26 due for both current support and arrears.

27 (G) The total number of cases in which an amount was
28 due for arrears only.

29 (H) For cases with current support due, the number
30 of cases without orders for medical support and the
31 number of cases with an order for medical support.

32 (2) The number of alleged fathers or obligors who
33 were served with a summons and complaint to establish
34 paternity or a support order, and the number of alleged
35 fathers or obligors for whom it is required that paternity
36 or a support order be established. In order to be counted
37 under this paragraph, the alleged father or obligor shall
38 be successfully served with process. An alleged father
39 shall be counted under this paragraph only once if he is
40 served with process simultaneously for both a paternity

1 and a support order proceeding for the same child or
2 children. For purposes of this paragraph, a support order
3 shall include a medical support order.

4 (3) The number of new asset seizures or successful
5 initial collections on a wage assignment for purposes of
6 child support collection. For purposes of this paragraph,
7 a collection made on a wage assignment shall be counted
8 only once for each wage assignment issued.

9 (4) The number of children requiring paternity
10 establishment and the number of children for whom
11 paternity has been established during the period.
12 Paternity may only be established once for each child.
13 Any child for whom paternity is not at issue shall not be
14 counted in the number of children for whom paternity
15 has been established. For this purpose, paternity is not at
16 issue if the parents were married and neither parent
17 challenges paternity or a voluntary paternity declaration
18 has been executed by the parents prior to the county
19 child support enforcement program obtaining the case
20 and neither parent challenges paternity.

21 (5) The number of cases requiring that a support order
22 be established and the number of cases that had a support
23 order established during the period. A support order shall
24 be counted as established only when the appropriate
25 court has issued an order for child support, including an
26 order for temporary child support, or an order for
27 medical support.

28 (6) The total cost of administering the county child
29 support enforcement program, including the federal,
30 state, and county share of the costs and the federal and
31 state incentives received by each county. The total cost
32 of administering the program shall be broken down by
33 the following:

34 (A) The direct costs of the program, broken down
35 further by total employee salaries and benefits, a list of
36 the number of employees broken down into at least the
37 following categories: attorneys, administrators,
38 caseworkers, investigators, and clerical support;
39 contractor costs; space charges; and payments to other

1 county agencies. Employee salaries and numbers need
2 only be reported in the annual report.

3 (B) The indirect costs, showing all overhead charges.

4 (7) The total child support collections due, broken
5 down by current support, interest on arrears, and
6 principal, and the total child support collections that have
7 been collected, broken down by current support, interest
8 on arrears, and principal.

9 (8) The actual case status for all cases in the county
10 child support enforcement program. Each case shall be
11 reported in one case status only. If a case falls within more
12 than one status category, it shall be counted in the first
13 status category of the list set forth below in which it
14 qualifies. The following shall be the case status choices:

15 (A) No support order, location of obligor parent
16 required.

17 (B) No support order, alleged obligor parent located
18 and paternity required.

19 (C) No support order, location and paternity not at
20 issue but support order must be established.

21 (D) Support order established with current support
22 obligation and obligor is in compliance with support
23 obligation.

24 (E) Support order established with current support
25 obligation, obligor is in arrears and location of obligor is
26 necessary.

27 (F) Support order established with current support
28 obligation, obligor is in arrears, and location of obligor's
29 assets is necessary.

30 (G) Support order established with current support
31 obligation, obligor is in arrears and no location of obligor
32 or obligor's assets is necessary.

33 (H) Support order established with current support
34 obligation, obligor is in arrears, the obligor is located, but
35 the district attorney has established satisfactorily that the
36 obligor has no income or assets and no ability to earn.

37 (I) Support order established with current support
38 obligation and arrears, obligor is paying the current
39 support and is paying some or all of the interest on the
40 arrears, but is paying no principal.



1 (J) Support order established for arrears only and
2 obligor is current in repayment obligation.

3 (K) Support order established for arrears only, obligor
4 is not current in arrears repayment schedule and location
5 of obligor is required.

6 (L) Support order established for arrears only, obligor
7 is not current in arrears repayment schedule and location
8 of obligor's assets is required.

9 (M) Support order established for arrears only, obligor
10 is not current in arrears repayment schedule, and no
11 location of obligor or obligor's assets is required.

12 (N) Support order established for arrears only, obligor
13 is not current in arrears repayment, and the obligor is
14 located, but the district attorney has established
15 satisfactorily that the obligor has no income or assets and
16 no ability to earn.

17 (O) Support order established for arrears only and
18 obligor is repaying some or all of the interest, but no
19 principal.

20 (P) Other, if necessary, to be defined in the
21 regulations promulgated under subdivision (e).

22 (e) Upon implementation of the statewide automated
23 system, and ARS, or at such time as the department
24 determines that compliance with this subdivision is
25 possible, each county that is participating in the state
26 incentive program described in Section 15200.81 shall
27 collect and report, and the department shall compile for
28 each participating county, information on the county
29 child support program in each fiscal year, all of the
30 following data, in a manner that facilitates comparison of
31 counties and the entire state, except that the department
32 may eliminate or modify the requirement to report any
33 data mandated to be reported pursuant to this subdivision
34 if the department determines that the district attorneys
35 are unable to accurately collect and report the
36 information or that collecting and reporting of the data
37 by the district attorneys will be onerous:

38 (1) The number of alleged obligors or fathers who
39 receive CalWORKs benefits, food stamp benefits, and
40 Medi-Cal benefits.

- 1 (2) The number of obligors or alleged fathers who
2 were in state prison or county jail.
- 3 (3) The number of obligors or alleged fathers who do
4 not have a social security number.
- 5 (4) The number of obligors or alleged fathers whose
6 address is unknown.
- 7 (5) The number of obligors or alleged fathers whose
8 complete name, consisting of at least a first and last name,
9 is not known by the county district attorney's office.
- 10 (6) The number of obligors or alleged fathers who filed
11 a tax return with the Franchise Tax Board in the last year
12 for which a data match is available.
- 13 (7) The number of obligors or alleged fathers who
14 have no income reported to the Employment
15 Development Department during the third quarter of
16 the fiscal year.
- 17 (8) The number of obligors or alleged fathers who
18 have income between one dollar (\$1) and five hundred
19 dollars (\$500) reported to the Employment
20 Development Department during the third quarter of
21 the fiscal year.
- 22 (9) The number of obligors or alleged fathers who
23 have income between five hundred one dollars (\$501)
24 and one thousand five hundred dollars (\$1,500) reported
25 to the Employment Development Department during
26 the third quarter of the fiscal year.
- 27 (10) The number of obligors or alleged fathers who
28 have income between one thousand five hundred one
29 dollars (\$1,501) and two thousand five hundred dollars
30 (\$2,500) reported to the Employment Development
31 Department during the third quarter of the fiscal year.
- 32 (11) The number of obligors or alleged fathers who
33 have income between two thousand five hundred one
34 dollars (\$2,501) and three thousand five hundred dollars
35 (\$3,500) reported to the Employment Development
36 Department during the third quarter of the fiscal year.
- 37 (12) The number of obligors or alleged fathers who
38 have income between three thousand five hundred one
39 dollars (\$3,501) and four thousand five hundred dollars

1 (\$4,500) reported to the Employment Development
2 Department during the third quarter of the fiscal year.

3 (13) The number of obligors or alleged fathers who
4 have income between four thousand five hundred one
5 dollars (\$4,501) and five thousand five hundred dollars
6 (\$5,500) reported to the Employment Development
7 Department during the third quarter of the fiscal year.

8 (14) The number of obligors or alleged fathers who
9 have income between five thousand five hundred one
10 dollars (\$5,501) and six thousand five hundred dollars
11 (\$6,500) reported to the Employment Development
12 Department during the third quarter of the fiscal year.

13 (15) The number of obligors or alleged fathers who
14 have income between six thousand five hundred one
15 dollars (\$6,501) and seven thousand five hundred dollars
16 (\$7,500) reported to the Employment Development
17 Department during the third quarter of the fiscal year.

18 (16) The number of obligors or alleged fathers who
19 have income between seven thousand five hundred one
20 dollars (\$7,501) and nine thousand dollars (\$9,000)
21 reported to the Employment Development Department
22 during the third quarter of the fiscal year.

23 (17) The number of obligors or alleged fathers who
24 have income exceeding nine thousand dollars (\$9,000)
25 reported to the Employment Development Department
26 during the third quarter of the fiscal year.

27 (18) The number of obligors or alleged fathers who
28 have two or more employers reporting earned income to
29 the Employment Development Department during the
30 third quarter of the fiscal year.

31 (19) The number of obligors or alleged fathers who
32 receive unemployment benefits during the third quarter
33 of the fiscal year.

34 (20) The number of obligors or alleged fathers who
35 receive state disability benefits during the third quarter
36 of the fiscal year.

37 (21) The number of obligors or alleged fathers who
38 receive workers' compensation benefits during the third
39 quarter of the fiscal year.

1 (22) The number of obligors or alleged fathers who
2 receive Social Security Disability Insurance benefits
3 during the third quarter of the fiscal year.

4 (23) The number of obligors or alleged fathers who
5 receive Supplemental Security Income/State
6 Supplementary Program for the Aged, Blind and
7 Disabled benefits during the third quarter of the fiscal
8 year.

9 (f) The department, in consultation with the
10 Legislative Analyst's office, the Judicial Council, the
11 California Family Support Council, and child support
12 advocates, shall develop regulations to ensure that all
13 county child support enforcement programs report the
14 data required by this section uniformly and consistently
15 throughout California.

16 (g) The department shall provide the information for
17 all participating counties for the 1998–99 fiscal year to
18 each member of a county board of supervisors, county
19 executive officer, district attorney, and the appropriate
20 policy committees and fiscal committees of the
21 Legislature by December 31, 1999. The department shall
22 provide the information for each subsequent fiscal
23 quarter and fiscal year no later than three months
24 following the end of the fiscal quarter and no later than
25 nine months following the end of the fiscal year. The
26 department shall present the information in a manner
27 that facilitates comparison of county performance.

28 (h) For purposes of this section, “case” means a
29 noncustodial parent, whether mother, father, or putative
30 father, who is, or eventually may be, obligated under law
31 for support of a child or children. For purposes of this
32 definition, a noncustodial parent shall be counted once
33 for each family that has a dependent child he or she may
34 be obligated to support.

35 (i) This section shall be operative only for as long as
36 Section 15200.92 requires participating counties to report
37 data to the department.

38 ~~SEC. 5.—~~

39 *SEC. 6.* Section 11478.1 of the Welfare and Institutions
40 Code is amended to read:

1 11478.1. (a) It is the intent of the Legislature to
2 protect individual rights of privacy, and to facilitate and
3 enhance the effectiveness of the child and spousal
4 support enforcement program, by ensuring the
5 confidentiality of support enforcement and child
6 abduction records, and to thereby encourage the full and
7 frank disclosure of information relevant to all of the
8 following:

9 (1) The establishment or maintenance of parent and
10 child relationships and support obligations.

11 (2) The enforcement of the child support liability of
12 absent parents.

13 (3) The enforcement of spousal support liability of the
14 spouse or former spouse to the extent required by the
15 state plan under Section 11475.2 of this code and Chapter
16 6 (commencing with Section 4900) of Part 5 of Division
17 9 of the Family Code.

18 (4) The location of absent parents.

19 (5) The location of parents and children abducted,
20 concealed, or detained by them.

21 (b) (1) Except as provided in subdivision (c), all files,
22 applications, papers, documents, and records established
23 or maintained by any public entity pursuant to the
24 administration and implementation of the child and
25 spousal support enforcement program established
26 pursuant to Part D (commencing with Section 651) of
27 Subchapter IV of Chapter 7 of Title 42 of the United States
28 Code and this article, shall be confidential, and shall not
29 be open to examination or released for disclosure for any
30 purpose not directly connected with the administration
31 of the child and spousal support enforcement program.
32 No public entity shall disclose any file, application, paper,
33 document, or record, or the information contained
34 therein, except as expressly authorized by this section.

35 (2) In no case shall information be released or the
36 whereabouts of one party or the child disclosed to another
37 party, or to the attorney of any other party, if a protective
38 order has been issued by a court or administrative agency
39 with respect to the former party, a good cause claim
40 under Section 11477.04 has been approved or is pending,

1 or the public agency responsible for establishing
2 paternity or enforcing support has reason to believe that
3 the release of the information may result in physical or
4 emotional harm to the former party or the child.

5 (3) Notwithstanding any other provision of law, a
6 proof of service filed by the district attorney shall not
7 disclose the address where service of process was
8 accomplished. Instead, the district attorney shall keep the
9 address in his or her own records. The proof of service
10 shall specify that the address is on record at the district
11 attorney's office and that the address may be released
12 only upon an order from the court pursuant to paragraph
13 (6) of subdivision (c).

14 (c) Disclosure of the information described in
15 subdivision (b) is authorized as follows:

16 (1) All files, applications, papers, documents and
17 records as described in subdivision (b) shall be available
18 and may be used by a public entity for all administrative,
19 civil, or criminal investigations, actions, proceedings, or
20 prosecutions conducted in connection with the
21 administration of the child and spousal support
22 enforcement program approved under Part D
23 (commencing with Section 651) of Subchapter IV of
24 Chapter 7 of Title 42 of the United States Code, and any
25 other plan or program described in Section 303.21 of Title
26 45 of the Code of Federal Regulations.

27 (2) A document requested by a person who wrote,
28 prepared, or furnished the document may be examined
29 by or disclosed to that person or his or her designee.

30 (3) The payment history of an obligor pursuant to a
31 support order may be examined by or released to the
32 court, the obligor, or the person on whose behalf
33 enforcement actions are being taken or that person's
34 designee.

35 (4) Income and expense information of either parent
36 may be released to the other parent for the purpose of
37 establishing or modifying a support order.

38 (5) Public records subject to disclosure under the
39 Public Records Act (Chapter 3.5 (commencing with



1 Section 6250) of Division 7 of the Government Code) may
2 be released.

3 (6) After a noticed motion and a finding by the court,
4 in a case in which establishment or enforcement actions
5 are being taken, that release or disclosure to the obligor
6 or obligee is required by due process of law, the court may
7 order a public entity that possesses an application, paper,
8 document, or record as described in subdivision (b) to
9 make that item available to the obligor or obligee for
10 examination or copying, or to disclose to the obligor or
11 obligee the contents of that item. Article 9 (commencing
12 with Section 1040) of Chapter 4 of Division 3 of the
13 Evidence Code shall not be applicable to proceedings
14 under this part. At any hearing of a motion filed pursuant
15 to this section, the court shall inquire of the district
16 attorney and the parties appearing at the hearing if there
17 is reason to believe that release of the requested
18 information may result in physical or emotional harm to
19 a party. If the court determines that harm may occur, the
20 court shall issue any protective orders or injunctive
21 orders restricting the use and disclosure of the
22 information as are necessary to protect the individuals.

23 (7) To the extent not prohibited by federal law or
24 regulation, information indicating the existence or
25 imminent threat of a crime against a minor child, or
26 location of a concealed, detained, or abducted child or the
27 location of the concealing, detaining, or abducting
28 person, may be disclosed to any district attorney, any
29 appropriate law enforcement agency, or to any state or
30 county child protective agency, or may be used in any
31 judicial proceedings to prosecute that crime or to protect
32 the child.

33 (8) The social security number, most recent address,
34 and the place of employment of the absent parent may be
35 released to an authorized person as defined in Section
36 653(c) of Title 42 of the United States Code, only if the
37 authorized person has filed a request for the information,
38 and only if the information has been provided to the
39 California Parent Locator Service by the federal Parent

1 Locator Service pursuant to Section 653 of Title 42 of the
2 United States Code.

3 (d) (1) “Administration and implementation of the
4 child and spousal support enforcement program,” as used
5 in this section, means the carrying out of the state and
6 local plans for establishing, modifying, and enforcing
7 child support obligations, enforcing spousal support
8 orders, and determining paternity pursuant to Part D
9 (commencing with Section 651) of Subchapter IV of
10 Chapter 7 of Title 42 of the United States Code and this
11 article.

12 (2) For purposes of this section, “obligor” means any
13 person owing a duty of support.

14 (3) As used in this chapter, “putative parent” shall
15 refer to any person reasonably believed to be the parent
16 of a child for whom the district attorney is attempting to
17 establish paternity or establish, modify, or enforce
18 support pursuant to Section 11475.1.

19 (e) Any person who willfully, knowingly, and
20 intentionally violates this section is guilty of a
21 misdemeanor.

22 (f) Nothing in this section shall be construed to compel
23 the disclosure of information relating to a deserting
24 parent who is a recipient of aid under a public assistance
25 program for which federal aid is paid to this state, if that
26 information is required to be kept confidential by the
27 federal law or regulations relating to the program.

28 ~~SEC. 6.—~~

29 *SEC. 7.* Section 11478.2 of the Welfare and Institutions
30 Code is amended to read:

31 11478.2. (a) In all actions involving paternity or
32 support, including, but not limited to, proceedings under
33 the Family Code, and under this division, the district
34 attorney and Attorney General represent the public
35 interest in establishing, modifying, and enforcing support
36 obligations. No attorney-client relationship shall be
37 deemed to have been created between the district
38 attorney or Attorney General and any person by virtue of
39 the action of the district attorney or the Attorney General
40 in carrying out these statutory duties.

1 (b) The provisions of subdivision (a) are declarative of
2 existing law.

3 (c) In all requests for services of the district attorney
4 or Attorney General pursuant to Section 11475.1 relating
5 to actions involving paternity or support, not later than
6 the same day an individual makes a request for these
7 services in person, and not later than five working days
8 after either (1) a case is referred for services from the
9 county welfare department, (2) receipt of a request by
10 mail for an application for services, or (3) an individual
11 makes a request for services by telephone, the district
12 attorney or Attorney General shall give notice to the
13 individual requesting services or on whose behalf services
14 have been requested that the district attorney or
15 Attorney General does not represent the individual or the
16 children who are the subject of the case, that no
17 attorney-client relationship exists between the district
18 attorney or Attorney General and those persons, and that
19 no such representation or relationship shall arise if the
20 district attorney or Attorney General provides the
21 services requested. Notice shall be in bold print and in
22 plain English and shall be translated into the language
23 understandable by the recipient when reasonable. The
24 notice shall include the advice that the absence of an
25 attorney-client relationship means that communications
26 from the recipient are not privileged and that the district
27 attorney or Attorney General may provide support
28 enforcement services to the other parent in the future.

29 (d) The district attorney or Attorney General shall
30 give the notice required pursuant to subdivision (c) to all
31 recipients of services under Section 11475.1 who have not
32 otherwise been provided that notice, not later than the
33 date of the next annual notice required under Section
34 11476.2. This notice shall include notification to the
35 recipient of services under Section 11475.1 that the
36 recipient may inspect the clerk's file at the county clerk's
37 office, and that, upon request, the district attorney, or, if
38 appropriate, the Attorney General, will furnish a copy of
39 the most recent order entered in the case.

1 (e) The district attorney, or, if appropriate, the
2 Attorney General, shall serve a copy of the complaint for
3 paternity or support, or both on recipients of support
4 services under Section 11475.1, as specified in paragraph
5 (2) of subdivision (e) of Section 11350.1. A notice shall
6 accompany the complaint which informs the recipient
7 that the district attorney or Attorney General may enter
8 into a stipulated order resolving the complaint, and that
9 if the recipient wishes to assist the prosecuting attorney,
10 he or she should send all information on the noncustodial
11 parent's earnings and assets to the prosecuting attorney.

12 (f) (1) The district attorney or Attorney General shall
13 provide written notice to recipients of services under
14 Section 11475.1 of the initial date and time, and purpose
15 of every hearing in a civil action for paternity or support.
16 The notice shall include the following language:

17
18 IMPORTANT NOTICE
19

20 It may be important that you attend the hearing. The
21 district attorney does not represent you or your
22 children. You may have information about the
23 noncustodial parent, such as information about his or
24 her income or assets, or your need for support that will
25 not be presented to the court unless you attend the
26 hearing. You have the right to be heard in court and tell
27 the court what you think the court should do with the
28 child support order.

29
30 If you have a court order for support that arose as part
31 of your divorce, this hearing could change your rights
32 or your children's rights to support. You have the right
33 to attend the hearing and, the right, to be heard.

34
35 If you would like to attend the hearing and be told
36 about any changes to the hearing date or time, notify
37 this office by _____. The district attorney or
38 Attorney General will then have to tell you about any
39 changes to the hearing date or time.
40



1 (2) The notice shall state the purpose of the hearing or
2 be attached to the motion or other pleading which caused
3 the hearing to be scheduled.

4 (3) The notice shall be provided separate from all
5 other material and shall be in at least 14-point type. The
6 failure of the district attorney or Attorney General to
7 comply with this subdivision shall not affect the validity
8 of any order.

9 (4) The notice shall be provided not later than seven
10 calendar days prior to the hearing, or, if the district
11 attorney or Attorney General receives notice of the
12 hearing less than seven days prior to the hearing, within
13 two days of the receipt by the district attorney or
14 Attorney General of the notice of the hearing.

15 (5) The district attorney or Attorney General shall, in
16 order to implement this subdivision, make reasonable
17 efforts to ensure that the district attorney or Attorney
18 General has current addresses for recipients of support
19 enforcement services.

20 (g) The district attorney or Attorney General shall
21 give notice to recipients of services under Section 11475.1
22 of every order obtained by the district attorney or
23 Attorney General that establishes or modifies the support
24 obligation for the recipient or the children who are the
25 subject of the order, by sending a copy of the order to the
26 recipient. The notice shall be made within the time
27 specified by federal law after the order has been filed.
28 The district attorney or Attorney General shall also give
29 notice to these recipients of every order obtained in any
30 other jurisdiction, that establishes or modifies the support
31 obligation for the recipient or the children who are the
32 subject of the order, and which is received by the district
33 attorney or Attorney General, by sending a copy of the
34 order to the recipient within the timeframe specified by
35 federal law after the district attorney or Attorney General
36 has received a copy of the order. In any action enforced
37 under Chapter 6 (commencing with Section 4900) of Part
38 5 of Division 9 of the Family Code, the notice shall be
39 made in compliance with the requirements of that
40 chapter. The failure of the district attorney or Attorney

1 General to comply with this subdivision shall not affect
2 the validity of any order.

3 (h) The district attorney or Attorney General shall
4 give notice to the noncustodial parent against whom a
5 civil action is filed that the district attorney or Attorney
6 General is not the attorney representing any individual,
7 including, but not limited to, the custodial parent, the
8 child, or the noncustodial parent.

9 (i) Nothing in this section shall be construed to
10 preclude any person who is receiving services under
11 Section 11475.1 from filing and prosecuting an
12 independent action to establish, modify, and enforce an
13 order for current support on behalf of himself or herself
14 or a child if that person is not receiving public assistance.

15 (j) A person who is receiving services under Section
16 11475.1 but who is not currently receiving public
17 assistance on his or her own behalf or on behalf of a child
18 shall be asked to execute, or consent to, any stipulation
19 establishing or modifying a support order in any action in
20 which that person is named as a party, before the
21 stipulation is filed. The district attorney or Attorney
22 General shall not submit to the court for approval a
23 stipulation to establish or modify a support order in such
24 an action without first obtaining the signatures of all
25 parties to the action, their attorneys of record, or persons
26 authorized to act on their behalf.

27 (k) The district attorney or Attorney General shall not
28 enter into a stipulation which reduces the amount of past
29 due support, including interest and penalties accrued
30 pursuant to an order of current support, on behalf of a
31 person who is receiving support enforcement services
32 under Section 11475.1 and who is owed support
33 arrearages that exceed unreimbursed public assistance
34 paid to the recipient of the support enforcement services,
35 without first obtaining the consent of the person who is
36 receiving services under Section 11475.1 on his or her own
37 behalf or on behalf of the child.

38 (l) The notices required in this section shall be
39 provided in the following manner:

(1) In all cases in which the person receiving services under Section 11475.1 resides in California, notice shall be provided by mailing the item by first-class mail to the last known address of, or personally delivering the item to, that person.

(2) In all actions enforced under Chapter 6 (commencing with Section 4900) of Part 5 of Division 9 of the Family Code, unless otherwise specified, notice shall be provided by mailing the item by first-class mail to the initiating court.

(m) Notwithstanding any other provision of this section, the notices provided for pursuant to subdivisions (c) to (g), inclusive, shall not be required in foster care cases.

SEC. 8. Section 16576 of the Welfare and Institutions Code is amended to read:

16576. (a) The department shall develop an implementation plan for the Statewide Child Support Registry. The Statewide Child Support Registry shall be operated by the agency responsible for operation of the Statewide Automated Child Support System (SACSS) or its replacement. The Statewide Child Support Registry shall include storage and data retrieval of the data elements specified in ~~Sections 16576.5 and~~ Section 16577 for all California child support orders. The plan shall be developed in consultation with clerks of the court, district attorneys, and child support advocates. The plan shall be submitted to the Legislature by January 31, 1998. The implementation plan shall explain in general terms, among other things, how the Statewide Child Support Registry will operate to ensure that all data in the Statewide Child Support Registry can be accessed and how data shall be integrated for statistical analysis and reporting purposes with all child support order data contained in the Statewide Automated Child Support System or its replacement and the Los Angeles Automated Child Support Enforcement System (ACSES) Replacement System.

(b) Commencing no later than October 1, 1998, each clerk of the court shall provide the information specified

1 in ~~Sections 16576.5 and~~ Section 16577 within 20 days to the
2 department or the Statewide Child Support Registry
3 from each new or modified child support order, including
4 child support arrearage orders.

5 (c) Commencing no later than October 1, 1998, the
6 department shall maintain a system for compiling the
7 child support data ~~from all child support orders and data~~
8 ~~forms and orders of child support arrears forms~~ received
9 from the clerks of the court, ensure that all child support
10 data received from the clerks of the court are entered into
11 the Statewide Child Support Registry within 10 days of
12 receipt in the Statewide Child Support Registry, and
13 ensure that the Statewide Child Support Registry is fully
14 implemented statewide.

15 (d) Commencing no later than October 1, 1998, the
16 department shall provide aggregate data on a periodic
17 basis on the data maintained by the Statewide Child
18 Support Registry to the Judicial Council, the appropriate
19 agencies of the executive branch, and the Legislature for
20 statistical analysis and review. The data shall not include
21 individual identifying information for specific cases.

22 (e) Commencing no later than October 1, 1998, any
23 information maintained by the Statewide Child Support
24 Registry ~~from the child support orders and data forms and~~
25 ~~orders of child support arrears forms~~ received from clerks
26 of the courts shall be provided to county district
27 attorneys, the Franchise Tax Board, *the courts*, and others
28 as provided by law.

29 (f) On or before October 1, 1998, the department shall
30 submit a report to the appropriate policy and fiscal
31 committees of the Legislature on the requirements of this
32 chapter.

33 *SEC. 9. Section 16576.5 of the Welfare and Institutions*
34 *Code is repealed.*

35 ~~16576.5. The department shall contract with the~~
36 ~~Judicial Council to prepare and adopt, by January 31,~~
37 ~~1998, the child support order and data form, which may~~
38 ~~be in electronic or hard copy form, as deemed~~
39 ~~appropriate by the Judicial Council, and which shall~~
40 ~~contain the following information:~~

1 ~~(a) Full name, last known address, telephone number,~~
2 ~~social security number, and birth date of both parties.~~

3 ~~(b) Full name and birth date of each child included in~~
4 ~~the support order.~~

5 ~~(c) The date on which the child support order will~~
6 ~~terminate which shall be the date upon which the~~
7 ~~youngest child becomes 18 or 19 years of age if still in high~~
8 ~~school.~~

9 ~~(d) A clear statement of the amount of child support~~
10 ~~to be paid for each child.~~

11 ~~(e) If the order is a modification of a prior child~~
12 ~~support order, a clear statement of the amount of the~~
13 ~~prior order for each child and the amount of the modified~~
14 ~~order for each child.~~

15 ~~(f) Any other information the department or the~~
16 ~~Judicial Council finds appropriate.~~

17 *SEC. 10. Section 16577 of the Welfare and Institutions*
18 *Code is repealed.*

19 ~~16577. The department shall contract with the~~
20 ~~Judicial Council to prepare and adopt, by January 31,~~
21 ~~1998, the order of child support arrears form, which may~~
22 ~~be in electronic or hard copy form, as deemed~~
23 ~~appropriate by the Judicial Council, and which shall~~
24 ~~contain on its face the following information:~~

25 ~~(a) Full name, last known address, telephone number,~~
26 ~~social security number, and birth date of both parties.~~

27 ~~(b) Full name and birth date of each child included in~~
28 ~~the support order.~~

29 ~~(c) Date on which the court order on arrears will~~
30 ~~terminate, if known.~~

31 ~~(d) A clear statement of the amount of the child~~
32 ~~support arrearage.~~

33 ~~(e) If the order is a modification of a prior child~~
34 ~~support order, a clear statement of the amount of the~~
35 ~~prior order, and the amount of the modified order.~~

36 ~~(f) Any other information the State Department of~~
37 ~~Social Services or the Judicial Council finds appropriate.~~

38 *SEC. 11. Section 16577 is added to the Welfare and*
39 *Institutions Code, to read:*

1 16577. (a) The Judicial Council shall develop any
2 forms that may be necessary to implement the Statewide
3 Child Support Registry. The forms may be in electronic
4 form or in hard copy, as appropriate. The forms shall be
5 developed so as not to delay implementation, and shall be
6 available no later than 30 days prior to the
7 implementation, of the Statewide Child Support
8 Registry.

9 (b) The information transmitted from the clerks of the
10 court to the Statewide Child Support Registry shall
11 include all of the following:

12 (1) Any information required under federal law.

13 (2) Any other information the department and the
14 Judicial Council find appropriate.

15 SEC. 12. Notwithstanding Section 17610 of the
16 Government Code, if the Commission on State Mandates
17 determines that this act contains costs mandated by the
18 state, reimbursement to local agencies and school
19 districts for those costs shall be made pursuant to Part 7
20 (commencing with Section 17500) of Division 4 of Title
21 2 of the Government Code. If the statewide cost of the
22 claim for reimbursement does not exceed one million
23 dollars (\$1,000,000), reimbursement shall be made from
24 the State Mandates Claims Fund.

25 Notwithstanding Section 17580 of the Government
26 Code, unless otherwise specified, the provisions of this act
27 shall become operative on the same date that the act
28 takes effect pursuant to the California Constitution.

